

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Primerica Life Insurance Company,

Civil 09-605 DWF/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Rebecca Munson, et al.,

Defendants.

The above referenced case was commenced by the Plaintiff as an interpleader. Plaintiff thereafter deposited the disputed funds with the Court, was dismissed from the action, and was awarded its costs and fees in bringing this action. [Docket Entry # 20] Only Defendants Munson, and Defendant Bougie filed answers to the Interpleader Complaint. All other named Defendants defaulted.

The case arises out of a life insurance policy which named the Defendant Rebecca Munson as the sole beneficiary. When Plaintiff's decedent died, she left six children. To avoid conflicting claims, the Plaintiff insurance company commenced this action in the Spring of 2009. On March 29, 2010, the answering Defendants attended a settlement conference. Defendant Munson reported that she had reached agreement with the fathers of all of the Decedent's children with the exception of Randall Bougie. At the settlement conference, the parties agreed that the life insurance proceeds should benefit the Decedent's six children. The lawyers for the two answering Defendants agreed to work out the details of how that would be accomplished.

On April 26, 2010 Counsel for Defendant Munson, and her lawyer reported to the Court that the parties (including Randall Bougie) have all agreed to the terms of six separate trusts to be established for the benefit of each of the Decedent's six children. A letter from Mr. Bougie's

lawyer, [Docket Entry #31] confirms Mr. Bougie's, agreement.

As all of the Defendants, except Munson and Bougie are in default, once Counsel for Defendant Munson docket the six separate trust documents, the Court can distribute the money to Defendant Munson, who is the Trustee of each of the six trusts. Once that is accomplished, it would appear to the Court that judgment can be entered and the case dismissed.

Based upon the foregoing and all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that:

1. The money on deposit with the Court be distributed to Defendant Munson, to be held in trust, pursuant to the Trust documents filed herein;
2. That this case be closed.

DATED: April 30, 2010.

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before May 14, 2010, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.